

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

KEVIN REAVES,

Plaintiff,

v.

WEXFORD MEDICAL SERVICES, *et al.*

Defendants.

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No. 1:19-cv-00151-JPH-DLP

**ORDER DENYING REQUEST TO PROCEED ON APPEAL *IN FORMA PAUPERIS***

The plaintiff seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. “An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “Good faith” within the meaning of § 1915 is judged by an objective, not a subjective, standard. *See Thomas v. Zatecky*, 712 F.3d 1004, 1006 (7th Cir. 2013) (stating that bad faith is a phrase that is understood to mean objective frivolousness). Final judgment has not yet been entered in this case. In addition, there is no objectively reasonable argument the plaintiff could present to argue that the ruling granting the defendants an extension of time to respond to his motion for summary judgment was erroneous. In pursuing an appeal, therefore, the plaintiff “is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit.” *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis*, dkt. [192], is **DENIED**.

**SO ORDERED.**

Date: 5/7/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

KEVIN REAVES

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BRANCHVILLE - CF

BRANCHVILLE CORRECTIONAL FACILITY

Electronic Service Participant – Court Only

All Electronically Registered Counsel